रजिस्ट्री सं० डी०एल०-33004/94 REGISTERED NO. DL-33004/94

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खंड 1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 61] नई दिल्ली, शुक्रवार, अगस्त 5, 1994/श्रावण 14, 1916
No. 61] NEW DELHI, FRIDAY, AUGUST 5, 1994/SRAVANA 14, 1916

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 5th August, 1994/14 *Sravana,* 1916 (*Saka*)

THE ANDAMAN AND NICOBAR ISLANDS TOWN AND COUNTRY PLANNING REGULATION, 1994

No. 7 OF 1994

Promulgated by the President in the Forty-fifth Year of the Republic of India.

A Regulation to provide for the development of the Union territory of the Andaman and Nicobar Islands according to plan and for matters connected therewith.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement

1. (*1*) This Regulation may be called the Andaman and Nicobar Islands Town and Country Planning Regulation, 1994.

(*2*) It extends to the whole of the Union territory of the Andaman and Nicobar Islands

(*3*) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Regulation, unless the context otherwise requires,—

(*a*) "Administration" means the Andaman and Nicobar Administration;

(*b*) "Administrator" means the Administrator of the Union territory of the Andaman and Nicobar Islands appointed by the President under 239 of the Constitution;

(*c*) "amenity" includes road, water supply, street lighting, drainage, sewerage, public works and such other convenience as the Administrator may, by notification in the Official Gazette, specify to be an amenity for the purposes of this Regulation;

(*d*) "building" includes any structure, erection or part of a structure or erection which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not;

(*e*) "building operations" includes rebuilding operations, structural alterations of, or additions to, buildings and other operations normally undertaken in connection with construction of buildings;

(*f*) "development" with its grammatical variations and cognate expressions means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in building or land and includes redevelopment;

(*g*) "development area" means any area declared to be a development area under sub-section (*1*) of section 11;

(*h*) "engineering operations" includes the formation or laying out of means of access to a road or the laying out of means of water supply;

(*i*) "master plan" means a plan which includes an outline, development plan, re-development or improvement plan of a development area and zonal development plan, prepared for any development area under this Regulation;

(*j*) "means of access" includes any means of access, whether private or public, for vehicles or pedestrians, and includes a road;

(*k*) "owner" includes the classes of tenants specified in section 141 of the Andaman and Nicobar Islands Land Revenue and Land Reforms Regulation, 1966; Reg. 2 of 1966.

(*l*) "prescribed" means prescribed by rules made under this Regulation;

(*m*) "to erect", in relation to any building, includes—

(*i*) any material alteration or enlargement of any building,

(*ii*) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation,

(*iii*) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(*iv*) the conversion of two or more places of human habitation into a greater number of such places,

(*v*) such alterations of a building as affect an alteration of its drainage or sanitary arrangements, or materially affect its security;

(*vi*) the addition of any rooms, buildings, houses or other structures to any building, and

(*vii*) the construction in a wall adjoining any street or land not belonging to the owner of the wall, of a door opening on to such street or land;

(*n*) "Town Planner" means a person appointed under sub-section (*1*) of section 3 to perform the duties of a Town Planner under this Regulation;

(*o*) "zone" means any one of the divisions in which the area to which this Regulation applies may be divided for the purposes of development under this Regulation;

1 of 1894. (*p*) the expression "land" shall have the meaning assigned to it in section 3 of the Land Acquisition Act, 1894.

CHAPTER II

OFFICE OF TOWN PLANNER

Town Planner.

3. (*1*) The Administrator may appoint an officer, not below the rank of a Secretary to the Administration to be the Town Planner for the purposes of this Regulation and may also appoint other persons to assist the Town Planner.

(*2*) The Administrator may, by general or special order, confer, on any person appointed under sub-section (*1*), all or any of the powers of the Town Planner under this Regulation and such person shall exercise such powers subject to the general superintendence, direction and control of the Town Planner.

Staff of the Town Planner.

4. The Administrator shall place at the disposal of the Town Planner such number of officers and employees (including experts for technical work) of the Administration as may be necessary for the efficient performance of his functions and may determine their designations and grades.

Advisory Council.

5. (*1*) The Administrator shall, as soon as may be, constitute an advisory council for the purpose of advising the Town Planner on the preparation of the master plan and on such other matters relating to planning of development arising out of, or in connection with the implementation of this Regulation.

(*2*) The Advisory Council shall consist of the following members, namely:—

(*a*) The Town Planner, ex-officio, who shall be President;

(*b*) one representative to represent the Ministry of the Central Government dealing with Agriculture;

(*c*) one representative to represent the Ministry of the Central Government dealing with Environment and Forests;

(d) one representative to represent the Ministry of the Central Government dealing with Urban Development;

(e) one representative of the Health Department of the Administration;

(f) one representative of the Port Blair Municipal Board;

(g) one representative of the Electricity Department of the Administration;

(h) one representative of the Public Works Department of the Administration;

(i) two persons, with knowledge of town planning or architecture, to be nominated by the Administrator;

(j) one woman member to be nominated by the Administrator.

CHAPTER III

MASTER-PLAN

Civic survey and master plan.

6. (1) The Town Planner shall, as soon as may be, carry out a civic survey of, and prepare a master plan for, the development area.

(2) The master plan shall—

(a) define the various zones into which the development area may be divided for purposes of development and indicate the manner in which the land in each zone is proposed to be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development shall be carried out; and

(b) serve as a basic pattern of frame-work within which development plans for various zones may be prepared.

(3) The master plan may provide for any other matter which is necessary for the general development of the Union territory of the Andaman and Nicobar Islands.

Procedure to be followed in preparation and approval of master plan

7. (1) Before preparing any master plan finally and submitting it to the Administrator for approval, the Town Planner shall prepare a plan in draft and publish it by making a copy thereof available for inspection and publishing a notice in such form and manner as may be prescribed inviting objections and suggestions from any person with respect to the draft master plan before such date as may be specified in the notice.

(2) The Town Planner shall also give reasonable opportunity to every local authority within the local limits of jurisdiction any land touched by the master plan is situated, to make any representation or suggestion with respect to the plan.

(3) After considering all objections, suggestions and representations that may have been received by the Town Planner, he shall finally prepare the master plan and submit it to the Administrator for approval.

Submission of master plan and its date of operation.

8. (*1*) Every master plan shall, as soon as may be, after its preparation, be submitted by the Town Planner to the Administrator for approval and the Administrator may either approve the master plan with or without modifications as he may consider necessary or reject the master plan with directions to the Town Planner to prepare a fresh master plan according to such directions.

(*2*) Immediately after the master plan has been approved by him, the Administrator shall cause to be published in such manner as may be prescribed a notice stating that the master plan has been approved and naming a place where a copy of the master plan may be inspected at all reasonable hours and upon the date of first publication of the aforesaid notice the master plan shall come into operation.

Modifications to master plan

9. (*1*) The Administrator may make any modification to a master plan being modifications which, in his opinion, do not effect important alterations in the character of the plan and which do not relate to the extent of land-uses or the standards of population density.

(*2*) The Central Government may, in the interests of the security of the State or of the general public, make any modifications to the master plan whether such modifications are of the nature specified in sub-section (*1*) or otherwise.

(*3*) Before making any modification to a master plan under sub-section (*1*), the Administrator shall publish a notice in such form and manner as may be prescribed inviting objections and suggestions with respect to the proposed modifications before such date, not being less than forty-five days from the date on which the notice is made available to the public, as may be specified in the notice and shall consider all objections and suggestions that may be received by him.

(*4*) Every modification made under the provisions of sub-section (*1*) or sub-section (*2*) shall be published in such manner as may be prescribed and the modifications shall come into operation on the date specified in the notification.

(*5*) When the Administrator makes any modifications to a master plan under sub-section (*1*), he shall report to the Central Government the full particulars of such modifications within thirty days of the date on which such modifications come into operation.

CHAPTER IV

DEVELOPMENT OF LANDS

Use of land and building in contravention of master plan.

10. Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of section 9 ,no person shall, after the coming into operation of the master plan, under sub-section (*2*) of section 8 use or permit to be used any land or building in the development area otherwise than in conformity with such master plan:

Provided that it shall be lawful to continue to use upon such terms and conditions as may be prescribed, any land or building for the purpose and to the extent for which it is being used on the date on which such master plan comes into operation.

Development of land.

11. (*1*) As soon as may be after the commencement of this Regulation, the Administration may, by notification in the Official Gazette, declare any area in the Union territory of the Andaman and Nicobar Islands to be a development area for the purposes of this Regulation:

Provided that no such declaration shall be made unless a proposal for such declaration has been referred to the local authority within the limits of which the area is located for its views and such views, if any, received within thirty days of such reference are considered.

(*2*) After the commencement of this Regulation, no development of land shall be undertaken or carried out in any development area by any person or body (including a Department of Government or the Administration) unless permission for such development has been obtained in writing from the Town Planner in accordance with the provisions of this Regulation.

(*3*) After the coming into operation of the master plan, no development shall be undertaken or carried out in the development area unless such development is in accordance with such plan.

(*4*) Notwithstanding anything contained in sub-sections (*2*) and (*3*), development of any land begun by any department of Government or Administration or any local authority before the commencement of this Regulation may be completed by that department or local authority without compliance with the requirements of those sub-sections.

Application for permission.

12. (*1*) Every person or body (including a department of Government or the Administration) desiring to obtain the permission referred to in sub-section (*2*) of section 11 shall make an application in writing to the Town Planner in such from and containing such particulars in respect of the development to which the application relates as may be prescribed.

(*2*) Every application under sub-section (*1*) shall be accompanied by such fee as may be prescribed:

Provided that no such fee shall be necessary in the case of an application made by a department of the Government or of the Administration.

(*3*) On the receipt of an application for permission under sub-section (*1*), the Town Planner shall issue an acknowledgement of receipt of such application and after making such inquiry as he considers necessary shall, by order in writing, either grant the permission, subject to such conditions, if any, as may be specified in the order or refuse to grant such permission:

Provded that before making an order refusing such permission, the applicant shall be given a reasonable opportunity to show cause why the permission should not be refused.

(*4*) Where a permission is refused, the grounds of such refusal shall be recorded in writing and communicated to the applicant in the manner prescribed.

(*5*) If the Town Planner does not communicate his order to the applicant within six months from the date of acknowledgement of receipt of the application under sub-section (*1*), such permission shal be deemed

to have been granted to the applicant on the expiry of the said period of six months.

(6) The Town Planner shall keep in such form as may be prescribed a register of applications for permission under this section.

(7) The said register shall contain such particulars including information as to the manner in which applications for permission have been dealt with as may be prescribed and shall be available for inspection by any member of the public at all reasonable hours on payment of such fee not exceeding rupees twenty as may be prescribed.

(8) Where permission is refused under this section the applicant or any person claiming through him shall not be entitled to get refund of the fee paid on the application for permission.

Lapse of permission.

13. Every permission for any development granted under this Regulation shall remain in force for three years from the date of such permission:

Provided that the Town Planner may, on application made in this behalf before the expiry of the aforesaid period, extend such period, for such time as he may think proper so however that the total period does not exceed six years:

Provided further that such lapse shall not bar any subsequent application for fresh permission under this Regulation.

Land for implementing master plan to be deemed to be for a public purpose

14. Land needed for implementing a master plan notified shall be deemed to be land needed for a public purpose.

CHAPTER V

SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

Powers of entry.

15. The Town Planner may authorise any person in writing to enter into or upon any land or building within a development area with or without assistants or workmen for the purpose of—

(*a*) making any enquiry, inspection, measurement or survey or taking levels of such land or building;

(*b*) examining works under construction and ascertaining the course of sewers and drains;

(*c*) digging or boring into the sub-soil;

(*d*) setting out boundaries and intended lines of work;

(*e*) making such levels, boundaries and lines by placing marks and cutting trenches;

(*f*) ascertaining whether any land is being or has been developed in contravention of the master plan or without the permission referred to in section 11 or in contravention of any condition subject to which such permission has been granted; or

(*g*) doing any other thing necessary for the efficient administration of this Regulation:

Provided that—

(*i*) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building;

(*ii*) sufficient opportunity shall in every instance be given to enable women if any to withdraw from such land or building;

(*iii*) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

Penalties.

16. (*1*) Any person who uses any land or building in contravention of the provisions of section 10 or in contravention of any terms and conditions prescribed under the proviso to that section shall be punishable with fine which may extend to five thousand rupees and in the case of a continuing offence with further fine which may extend to two hundred and fifty rupees for everyday during which such offence continues after conviction for the first commission of the offence.

(*2*) Any person who whether at his own instance or at the instance of any other person or anybody (including a department of Government or the Administration) undertakes or carries out development of any land in contravention of the master plan or without the permission referred to in sub-section (*2*) of section 11 or in contravention of any condition subject to which such permission has been granted, shall be punishable,—

(*a*) with rigorous imprisonment which may extend to three years, if such development relates to utilising, selling or otherwise dealing with any land with a view to the setting up of a colony within a development area.

(*b*) with simple imprisonment which say extend to six months or with fine which may extend to five thousand rupees, or with both, in any case other than that referred to in clause (*a*).

(*3*) Any person who obstructs the entry of a person authorised under section 15 to enter into or upon any land or building, or molests such person after such entry shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Order of demolition of building.

17. (*1*) Where any development has been commenced or is being carried on or has been completed in contravention of the master plan or without the permission referred to in sub-section (*2*) of section 11 or in contravention of any conditions subject to which such permission has been granted, the Town Planner may, in addition to any prosecution that

may be instituted under this Regulation, make an order directing that such development shall be removed by demolition filling or otherwise by the owner thereof or by the person at whose instance the development has been commenced or is being carried out or has been completed, within such period (not being less than five days and more than fifteen days from the date on which a copy of the order of removal, with a brief statement of the reasons therefor, has been delivered to the owner or that failure to comply with the order, the Town Planner may remove or cause to be removed the development and the expenses of such removal shall be recovered from the owner or the person at whose instance the development was commenced or was being carried out or was completed as arrears of land revenue:

Provided that no such order shall be made unless the owner or the person concerned has been given a reasonable opportunity to show cause why the order should not be made.

(*2*) The provisions of this section shall be in addition to, and not in derogation of, any other provision relating to demolition of buildings contained in any other law for the time being in force.

Power to stop development.

18. (*1*) Where any development in any area has been commenced in contravention of the master plan or without the permission referred to in sub-section (*2*) of section 11 or in contravention of any conditions subject to which such permission has been granted, the Town Planner may, in addition to any prosecution that may be instituted under this Regulation, make an order requiring the development to be discontinued on and from the date of the service of the order, and such order shall be complied with accordingly.

(*2*) Where such development is not discontinued in pursuance of the order under sub-section (*1*), the Town Planner may in writing require any police officer to remove the person by whom the development has been commenced and all his assistants and workmen from the place of development or to seize any construction material, tool, machinery, scaffolding or other things used in such development within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

(*3*) Any of the things caused to be seized by the Town Planner under sub-section (*2*) shall, unless the owner thereof turns up to take back such things and pays to the Town Planner the charges for the removal or storage of such things, be disposed of by him by public auction or any other manner and within such time as he thinks fit.

(*4*) The charges for the removal and storage of the things sold under sub-section (*3*) shall be paid out of the proceeds of the sale thereof and the balance, if any, shall be paid to the owner of the things sold on a claim being made therefor within a period of one year from the date of sale, and if no such claim is made within the said period, shall be credited to the Consolidated Fund of India.

(*5*) After the requisition under sub-section (*2*) has been complied with, the Town Planner may depute by a written order a police officer or

an officer or employee of the Administration to watch the place in order to ensure that the development is not continued.

(6) Any person failing to comply with an order under sub-section (1) shall be punishable with fine which may extend to two hundred rupees for every day during which the non-compliance continues after the service of the order.

(7) No compensation shall be claimable by any person for any damage which he may sustain in consequence of the removal of any development under section 17 or the discontinuance of the development under this section.

(8) The provisions of this section shall be in addition to, and not in derogation of, any other provision relating to stoppage of building operations contained in any other law for the time being in force.

Appeals.

19. (1) Any person aggrieved by an order of the Town Planner made under this Regulation, may prefer an appeal to the Administrator within thirty days from the date of the order appealed against:

Provided that the Administrator may, entertain an appeal after the expiry of the said period of thirty days if he is satisfied that there was sufficient cause for not filling it within that period.

(2) An appeal under sub-section (1) shall be made in such form and shall be accompanied by a copy of the order appealed against and by such fee as may be prescribed.

(3) The Administrator may, after giving the parties to the appeal an opportunity of being heard, pass such orders thereon as he thinks fit, confirming,, modifying or annulling the order appealed against.

(4) The Administrator shall send a copy of every order passed by him to the parties to the appeal.

Composition of offences.

20. (1) Any offence made punishable by or under his Regulation may, either before or after the institution of proceedings, be compounded by the Administrator.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

Default powers of the Town Planner.

21. (1) If the Town Planner, after holding a local enquiry or upon report from any of its officers or other information in his possession, is satisfied that any amenity in relation to any land in a development area has not been provided in relation to that land which in his opinion is to be provided, or that any development of the land for which permission has been obtained under this Regulation has not been carried out within the specified time, he may, after affording a reasonable opportunity to show cause, serve upon the owner of the land or upon the person providing or responsible for poviding the amenity a notice requiring him to provide the amenity or carry out the development within such time as may be specified in the notice.

(2) If any amenity is not provided or any such development is not carried out within the time specified in the notice, then the Town

Planner may himself provide the amenity or carry out the development or have it provided or carried out through such agency as he may deem fit:

Provided that before taking any action under this sub-section, the Town Planner shall afford reasonable opportunity to the owner of the land or to the person responsible for providing the amenity to show cause as to why such action should not be taken.

(3) All expenses incurred by the Town Planner or the agency employed by him in providing the amenity or carrying out the development together with simple interest at such rate not exceeding fifteen per cent. per annum as the Administrator may by order fix from the date when a demand for the expenses is made until payment may be recovered by the Town Planner from the owner or the person responsible for providing the amenity as arrears of land revenue.

Mode of recovery of money due to Town Planner.

22. Any money due to the Town Planner including interest on account of fees, or charges, or from the disposal of properties movable or immovable, may, if the recovery thereof is not expressly provided for in any other provision of this Regulation be recovered by the Town Planner as arrears of land revenue.

Service of notices, etc.

23. (1) All notices, orders and other documents required by this Regulation or any rule made thereunder to be served upon any person shall, save as otherwise provided in this Regulation or such rule, be deemed to be duly served—

(a) where the person to be served is a company, if the document is addressed to the Secretary of the company at its registered office or at its principal office or place of business and is either—

(i) sent by registered post, or

(ii) delivered at the registered office or at the principal office or place of business of the company;

(b) where the person to be served is a partnership firm, if the document is addressed to the firm at its principal place of business, identifying it by the name or style under which its business is carried on, and is either—

(i) sent by registered post, or

(ii) delivered at the said place of business;

(c) where the person to be served is a public body, corporation, society or other body, if the document is addressed to the secretary, treasurer or other officer incharge of that body, corporation or society at its principal office, and is either—

(i) sent by registered post, or

(ii) delivered at that office;

(d) in any other case, if the document is addressed to the person to be served and—

(i) is given or tendered to him, or

(*ii*) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates, or

(*iii*) is sent by registered post to that person.

(*2*) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed "the owner" or "the occupier", as the case may be, of that land or building (naming that land or building) without any further name or description, and shall be deemed to be duly served—

(*a*) if the document so addressed is sent or delivered in accordance with clause (*d*) of sub-section (*1*); or

(*b*) if the document so addressed or a copy thereof so addressed, is delvered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed to some conspicuous part of the land or building.

(*3*) Where a document is served on a partnership firm in accordance with this section, the document shall be deemed to be served on each partner.

(*4*) For the purpose of enabling any document to be served on the owner of any property, the Town Planner may by notice in writing require the occupier, if any, of the property to state the name and address of the owner thereof.

(*5*) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

(*6*) A servant is not a member of the family within the meaning of this section.

Public notice how to be made known.

24. Every public notice given under this Regulation shall be in writing over the signature of the Town Planner and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality or by advertisement in local newspapers or by any other means as the Town Planner may think fit.

Notices, etc. to fix reasonable time.

25. Where any notice, order or other document issued or made under this Regulation or any rule made thereunder requires anything to be done for the doing of which no time is fixed in this Regulation or the rule, the notice, order or other document shall specify a reasonable time for doing the same.

Authentication of orders and documents.

26. All permissions, orders, decisions, notices and other documents of the Town Planner shall be authenticated by his signature or any other officer authorised by him in this behalf.

Jurisdiction of courts

27. No court inferior to that of a Judicial Magistrate of the first class shall try an offence punishable under this Regulation.

Sanction of prosecution.

28. No prosecution for any offence punishable under this Regulation shall be instituted except with the previous sanction of the Administrator or any officer authorised by him in this behalf.

Magistrate's power to impose enhanced penalties.

2 of 1974

29. Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973, it shall be lawful for any court of the Judicial Magistrate of the first class to pass any sentence authorised by this Regulation in excess of its powers under the said section.

Protection of action taken in good faith.

30. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Regulation or any rule made thereunder.

Delegation of powers.

31. The Administrator may, by notification in the Official Gazette, delegate to any officer or authority subordinate to him any of the powers conferred on him or any officer subordinate to him by this Regulation, other than the power to make rules, to be exercisable, subject to such restrictions and conditions as may be specified in the notification.

Notice to be given of suits.

32. (*1*) No suit shall be instituted against the Administrator or the Town Planner or any of the officers or other employees or any person acting under the directions of the Administrator or the Town Planner in respect of any act done or purporting to have been done in pursuance of this Regulation or any rule made thereunder until the expiration of two months after notice in writing has been delivered to, or left at the office or place of abode of, the person to be sued and unless such notice states explicitly the cause of action, the nature of relief sought, the amount of compensation claimed and the name and place or residence of the intending plaintiff and unless the plaint contains a statement that such notice has been so left or delivered.

(*2*) No suit such as is described in sub-section (*1*) shall, unless it is a suit for recovery of immovable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises.

(*3*) Nothing contained in sub-section (*1*) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit.

Savings.

33. Nothing in this Regulation shall apply to—

(*a*) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;

(*b*) the carrying out by any local authority or by any department of Government of any works for the purpose of inspecting, repairing or renewing any drains, sewers mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose;

(*c*) the erection of a building, not being a dwelling house, if such building is required for the purposes subservient to agriculture;

(*d*) the erection of a place of worship or a tomb or cenotaph or a wall enclosing a graveyard, place of worship, cenotaph or samadhi on land which at the commencement of this Regulation is occupied by or for the purpose of such worship, tomb, cenotaph, graveyard or samadhi;

(*e*) the excavations (including wells) made in the ordinary course of agriculture operations; and

(*f*) the construction of unmetalled road intended to give access to land solely for agricultural purposes.

Power to make rules.

34. (*1*) The Administrator may, by notification in the Official Gazette, make rules to carry out the provisions of this Regulation.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the form and manner of inviting objections and suggestions on draft master plan under sub-section (*1*) of section 7;

(*b*) the manner of publication of notice under sub-section (*2*) of section 8;

(*c*) the form and manner of inviting objections and suggestions on modification of master plan under sub-section (*3*) of section 9;

(*d*) the manner of publication of modifications of master plan under sub-section (*4*) of section 9;

(*e*) the terms and conditions upon which lands or buildings may be used under section 10;

(*f*) the form and contents of application under sub-section (*1*) of section 12;

(*g*) the fee payable under sub-section (*2*) of section 12;

(*h*) the manner of communication of refusal to grant permission under sub-section (*4*) of section 12;

(*i*) the form in which register of application for permission shall be maintained under sub-section (*6*) of section 12;

(*j*) the manner in which application for permission is to be dealt with and the particulars to be contained in, and the fee payable for inspection, of the register under sub-section (*7*) of section 12;

(*k*) the form in which and the fee payable in respect of appeals under sub-section (*2*) of section 19;

(*l*) any other matter which is required to be, or may be, prescribed.

Laying of rules before Parliament.

35. Every rule made under this Regulation shall be laid, as soon as after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India.

PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1994.